UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT(S)	Proctor, Lee et al.	GROUP ART UNIT: 2626
APPLN. NO.:	10/695,009	EXAMINER: Opsasnick, Michael
FILED:	October 28, 2003	CASE NO.: CE09094R
		CONFIRMATION NO.: 4250
TITLE:	METHOD FOR RETRANSMITTING VOCODED DATA	

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Dear Sir:

Applicant requests review of the final rejection in the above-identified application. An amendment after final canceling rejected claims 21-29 is being filed with this request. This request is being filed with a notice of appeal. The review is requested for the reason(s) stated in the paragraphs below.

Claims 1-13 stand rejected under 35 U.S.C. 102(e) as being allegedly anticipated by Manjunath et al. (US Patent No. 6,584,438 B1). The claims on appeal are claims 1-13.

In view of the comments below, Applicants respectfully submit that the Office Action rejection includes clear errors because at least one limitation is not met by the reference cited and the Examiner provides no art as teaching or suggesting the limitation(s). Applicants request that the Panel reconsider the present application including claims 1 - 13 and withdraw the rejection of these claims or alternatively reopen prosecution on the merits.

Claim 1 is an independent claim that specifically recites:

A method for retransmitting a speech packet, the method comprising:
receiving at a speech transmitting device a first negative acknowledgement from a receiving communication device indicative of a corrupted first speech packet transmission;
retrieving a first speech packet associated with the first negative acknowledgement;

1

compressing the first speech packet to form a replacement speech packet;

encoding a current segment of speech responsive to the first negative acknowledgement to form a current speech packet;

combining the current speech packet with the replacement speech packet to form a combined speech packet; and

transmitting the combined speech packet.

Claim 1 is directed to a method of retransmitting a speech packet. The method first receives at a speech transmitting device a negative acknowledgement from a receiving communication device. The negative acknowledgement is indicative of a corrupted first speech packet transmission Next, the method retrieves a first speech packet associated with the first negative acknowledgement. Then, the method compresses the first speech packet to form a replacement speech packet and encodes a current segment of speech responsive to the first negative acknowledgement to form a current speech packet. Next, the method combines the current speech packet and replacement speech packet to form a combined speech packet. The method then transmits the combined speech packet.

Page 2 of the Office Action states that Manjunath teaches a method for operating a speech transmission device receiving an indication of a corrupted speech packet and compressing the first speech packet to form a replacement packet. The Office Action cites col. 5, lines 50-56 as disclosing that the subscriber unit is configured to quantize a pitch lag value and a delta value for the current frame, after receiving notification of an erased frame. Applicants submit that the cited portion of Manjunath does not disclose that the subscriber unit (transmitting device) receives notification of an erased frame. Manjunath, discloses in accordance with FIG. 5 that quantized (encoded) information is assembled into packets and transmitted over communication channel 404 to a receiving device which provides the packets to the decoder 402 (see col. 12, lines 19-29). If the packet disassembler and packet loss detector module 414 in the decoder 404 does not detect a packet, a packet loss is declared and the erasure decoder 418 advantageously performs frame erasure processing as described in the paragraphs that follow in the Manjunath detailed description (see

col. 12, lines 43-47). The detailed description of Manjunath, particularly columns 13, line 52 to col. 15, line 9, make clear that there is no negative acknowledgement communicated from the receiving device to the transmitting device indicative of a corrupted first speech transmission. Rather, Manjunath teaches a method for compensating for frame erasures in a decoder of a receiving device based on information included in the transmission from the transmitting device. It should be noted that FIG. 5 shows no feedback path from receiving device to the transmitting device to communicate such a negative acknowledgement.

Col. 13, lines 52-67, teach that an encoder in the transmitting device encodes the current frame pitch lag value and the delta pitch lag value. A second encoder encodes the delta pitch lag value, but does not necessarily encode the pitch lag value. These parameters are then used by the decoder at the receiving device during frame erasure processing to reconstruct the erased frame (see col. 14, line 17- col. 15, line 9). There simply is no teaching in Manjunath of Applicants' claim 1 limitation of "receiving at a speech transmitting device a first negative acknowledgement from a receiving communication device indicative of a corrupted first speech packet transmission." Because Manjunath's frame erasure compensation method involves reconstructing a lost packet based on parameters transmitted by the transmitting device, Manjunath also does not teach "retrieving a first speech packet associated with the first negative acknowledgement; compressing the first speech packet to form a replacement speech packet; encoding a current segment of speech responsive to the first negative acknowledgement to form a current speech packet; combining the current speech packet with the replacement speech packet to form a combined speech packet; and transmitting the combined speech packet."

Dependent claims 2-13 provide additional novel and non-obvious subject matter. Additionally, Applicants maintain that claims 2-13 are patentable by virtue of dependency on claim 1.

In view of the foregoing remarks, it appears claims 1-13 have been erroneously rejected. Accordingly, Applicants respectfully submit that the claims clearly and patentably distinguish over the cited references of record and as such

are to be deemed allowable. Applicants request the reconsideration and reexamination of this application and the timely allowance of the pending claims. Although it is not anticipated that any fees are due or payable other than the separately noted Notice of Appeal fee, the Commissioner is hereby authorized to charge any fees that may be required to Deposit Account No. 50-2117.

Respectfully submitted,

SEND CORRESPONDENCE TO:

By: /Lalita Pace/

Motorola, Inc.
Law Department
1303 East Algonquin Road
IL01/3rd Floor
Schaumburg, IL 60196
Customer Number: 22917

Reg. No.: 39,427

Telephone: 847-538-5855
Fax No.: 847-576-3750